HOUSE BILL No. 1145

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-9-25-3.

Synopsis: Board of sanitary commissioners. Provides that the board of sanitary commissioners in a second class city (other than a city in Lake County or LaPorte County) that establishes a department of sanitation may consist of not less than three or more than five members.

Effective: July 1, 2007.

Kersey

January 11, 2007, read first time and referred to Committee on Local Government.



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2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

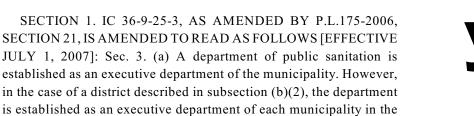
Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1145

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:



- (b) The department is under the control of a board of sanitary commissioners, which is composed as follows:
 - (1) If the department is established under section 1(a) of this chapter, the board consists of not less than three (3) but not more than five (5) commissioners. All of the commissioners shall be appointed by the municipal executive, unless one (1) commissioner is the municipal engineer. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) may be of the same political party.



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1	(2) Notwithstanding subdivision (1), if the department is
2	established under section 1(a) of this chapter and the distric
3	contains at least one (1) city having a population of less than one
4	hundred thousand (100,000) and at least one (1) town, the board
5	consists of one (1) commissioner from each municipality in the
6	district. The executive of each of those municipalities shal
7	appoint one (1) commissioner. If after all appointments are made
8	the board has fewer than five (5) commissioners, the executive of
9	the municipality with the largest population shall appoint the
10	number of additional commissioners needed to bring the total to
11	five (5). Not more than three (3) of the commissioners may be o
12	the same political party.
13	(3) If the department is established under section 1(b) of this
14	chapter, the board consists of three (3) commissioners. Two (2)
15	commissioners shall be appointed by the city executive and one
16	(1) commissioner is the city civil engineer. consists of not less
17	than three (3) commissioners but not more than five (5)
18	commissioners. One (1) commissioner is the city civi
19	engineer. All other commissioners shall be appointed by the
20	city executive. Not more than two (2) of the commissioners
21	may be of the same political party, unless the board consists
22	of five (5) commissioners, in which case not more than three
23	(3) of the commissioners may be of the same political party
24	However, if the department is located in a county having a
25	population of:
26	(A) more than one hundred five thousand (105,000) but less
27	than one hundred ten thousand (110,000);
28	(B) more than one hundred ten thousand (110,000) but less
29	than one hundred fifteen thousand (115,000);
30	(C) more than one hundred forty-eight thousand (148,000) bu
31	less than one hundred seventy thousand (170,000); or
32	(D) more than one hundred thirty thousand (130,000) but less
33	than one hundred forty-five thousand (145,000);
34	and the city does not have a city civil engineer, the third
35	commissioner shall also be appointed by the executive. The third
36	commissioner, however, one (1) of the commissioners must be
37	a licensed engineer, appointed by the executive, with at leas
38	five (5) years experience in civil or sanitary engineering. Ir
39	addition, in such a city the commissioners may not hold another
40	public office. Not more than two (2) of the commissioners may be
41	of the same political party, unless the board consists of five (5

commissioners, in which case not more than three (3) of the



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1	commissioners may be of the same political party.
2	(c) Before beginning the commissioner's duties, each commissioner
3	shall take and subscribe the usual oath of office. The oath shall be
4	endorsed upon the certificate of appointment and filed with the
5	municipal clerk.
6	(d) Each commissioner shall also execute a bond in the penal sum
7	of five thousand dollars (\$5,000) payable to the state and conditioned
8	upon the faithful performance of the commissioner's duties and the
9	faithful accounting for all money and property that comes under the
10	commissioner's control. The bond must be approved by the municipal
11	executive.
12	(e) The appointed commissioners are entitled to a salary of not less
13	than three thousand six hundred dollars (\$3,600) a year during actual
14	construction and not less than six hundred dollars (\$600) a year in
15	other years.
16	(f) Notwithstanding IC 36-1-8-10, whenever this section requires
17	that the membership of the board of sanitary commissioners not exceed
18	a stated number of members from the same political party, at the time
19	of appointment the appointee must:
20	(1) have voted in the two (2) most recent primary elections held
21	by the party with which the appointee claims affiliation; or
22	(2) if the appointee did not vote in the two (2) most recent
23	primary elections or only voted in one (1) of those elections, be
24	certified as a member of the party with which the appointee
25	claims affiliation by that party's county chairman for the county
	in which the appointee resides.

